IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 23550 of 2007(C)

PETITIONER:

M/S DHANWANTHARI HERBAL PRODUCTS,
REPRESENTED BY ITS MANAGING PARTNER,
DR. N.SATHEESH KUMAR, DHANWANATHARI SADANAM,
CHOWELIL ILLAM, THODUPUZHA.

BY ADV. SRI.R.HARIKRISHNAN
SRI.N.ASHOK KUMAR
SMT.R.REMA

RESPONDENTS:
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1. THE THODUPUZHA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, THODUPUZHA.

2. THE DISTRICT COLLECTOR, IDUKKI.

R1 BY ADV. SRI.P.K.SOYUZ
R2 BY GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.23550 of 2007

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Dated this the 1st day of August, 2007

JUDGMENT

Petitioner challenges Exts.P2 and P3. Ext.P2 is a notice issued by the respondent Municipality and Ext.P3 is the order passed after hearing the petitioner. Petitioner has preferred Ext.P4 before the Tribunal purported to be under Section 509(7) of the Kerala Municipality Act.

2. I heard first respondent through counsel. It is pointed out on behalf of the first respondent that the appeal actually lies to the Council and not to the Tribunal against Ext.P3. Learned counsel for the petitioner submits that the petitioner will prefer an appeal to the Council under Section 509(1) within a period of two days from today and he submits that Ext.P3 may be kept in abeyance till a decision is taken in the appeal.

The writ petition is disposed of as follows:

If the petitioner prefers an appeal under Section 509(1) before the Council of the respondent Municipality within two days from today,

the Council will afford an opportunity of hearing to the petitioner and consider the appeal and take a decision in accordance with law. Till a decision is taken in the appeal, Ext.P3 will be kept in abeyance.

(K.M. JOSEPH, JUDGE)

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